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Message Text

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ACTION OES-07

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-11 ISO-00
ACDA-12 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-09 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 AGR-01 OIC-02
/192 W
----------097155 010415Z /21
R 292341Z JUN 78
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 5818
INFO AMEMBASSY CANBERRA
AMEMBASSY MOSCOW

C O N F I D E N T I A L WELLINGTON 03403

EO 11652: GDS
TAGS: EFIS, PLOS, PBOR, XV, NZ
SUBJECT: APPLICATION OF NEW ZEALAND TERRITORIAL SEA
- AND EXCLUSIVE ECONOMIC ZONE (EEZ) ACT TO
- ROSS DEPENDENCY

REF: (A) STATE 162865 (REPEATS MOSCOW 13306),
(B) 77 WELLINGTON 02003

1. PARAGRAPH FIVE, REFTEL B, REPORTED THAT A FEATURE OF NEW ZEALAND'S EEZ LEGISLATION INCLUDED A PROVISION FOR THE EXTENSION OF THE EEZ TO THE ROSS DEPENDENCY AT A FUTURE, UNSPECIFIED TIME. GNZ OFFICIALS EXPLAINED TO EMBOFF AT TIME EEZ LEGISLATION WAS INTRODUCED THAT ROSS DEPENDENCY PROVISION WAS DESIGNED TO PROTECT NEW ZEALAND'S ANTARCTIC CLAIMS BUT, BECAUSE ITS APPLICATION WOULD REQUIRE AN ADDITIONAL, SPECIFIC ACT OF PARLIAMENT, IT DID NOT CONTRAVENE THE ANTARCTIC TREATY. EMBASSY UNDERSTANDS THAT THIS POINT
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WAS ALSO DISCUSSED IN DETAIL IN MAY 1977 BY MEMBERS OF THE DEPARTMENT'S OES BUREAU WITH OFFICERS OF THE NEW ZEALAND EMBASSY.

2. PART II, SECTION 9(3) OF EEZ ACT STATES:

"THE GOVERNOR-GENERAL MAY FROM TIME TO TIME, BY ORDER

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IN COUNCIL, DECLARE THAT ANY SPECIFIED PROVISIONS OF THIS PART OF THIS ACT, AND ANY OTHER SPECIFIED PROVISIONS IN THIS ACT RELATING TO THE EXCLUSIVE ECONOMIC ZONE, SHALL APPLY TO THE ROSS DEPENDENCY, WITH SUCH MODIFICATIONS AND EXCEPTIONS (IF ANY) AS HE MAY SPECIFY IN THE ORDER." (FYI: THE GNZ HAS AFFIRMED THAT NO "ORDER IN COUNCIL" WILL BE REQUESTED SO LONG AS THE ANTARCTIC TREATY -- OR A SUCCESSOR TREATY -- IS IN EFFECT. END FYI.)

3. MFA SOURCE, WHO PARTICIPATED IN INITIAL DRAFTING OF EEZ LEGISLATION, ADVISED THAT MFA IS AT THE MOMENT PREPARING A REPLY TO THE SOVIET NOTE (REPORTED REFTEL A) WHICH, WHILE DATED IN APRIL, HAD BEEN RECEIVED BY THE N.Z. EMBASSY IN MOSCOW ONLY IN EARLY JUNE. SOURCE ADVISED THAT MFA'S VIEW IS: (A) SOVIETS MISUNDERSTAND THE EFFECT OF THE LEGISLATION; AND (B) SOVIETS' APPROACH IS "UNFORTUNATELY" EXTREMELY LEGALISTIC. WITH RESPECT TO THE LATTER POINT, MFA OFFICIAL SAID HE IS PERSONALLY "WORRIED" THAT THE SOVIET NOTE PREFACES SOVIET INTENTIONS AT THE UPCOMING COPENHAGEN MEETING. HE SAID IT APPEARS THE SOVIET LAWYERS ARE PLAYING WITH THE ANTARCTIC TREATY AND MEMBER STATES' LEGISLATION WITH THE "SAME DEGREE OF RIGIDITY THAT CANBERRA'S LAWYERS" ARE PLAYING WITH THEM. TREATY STATES WILL GET NOWHERE IN FUTURE ANTARCTIC NEGOTIATIONS IF MEMBERS ARE INTENT ON SEEKING LEGALISTIC INTERPRETATIONS, HE SAID. WHILE CONFIDENTIAL

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HIS COMMENTS ARE PERSONAL REACTIONS, HE CONCLUDED, HE FELT SURE THE GNZ'S RESPONSE WOULD REFLECT SIMILAR SENTIMENT. HE PROMISED TO SHARE A COPY OF THE GNZ REPLY WITH EMBOFF.

4. AT AN EARLIER POINT IN DISCUSSIONS, MFA OFFICIAL EXPRESSED THE HOPE THAT THE USG DID NOT SHARE THE SOVIETS CONCERNS FOR THIS MATTER, NOTING THAT THE GNZ HAD GONE TO SOME LENGTHS TO ASSURE US OFFICIALS UNDERSTOOD THE EFFECT OF THE EEZ LEGISLATION WITH RESPECT TO THE ANTARCTIC. EMBOFF REPLIED THAT THERE WAS NO REASON TO DOUBT THAT INTERESTED DEPARTMENT OFFICIALS DO UNDERSTAND THE NEW ZEALAND POSITION.
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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Draft Date: 29 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Executive Order: GS
Errors: N/A
Expiration:
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